

Senate Bill 981

Sponsored by COMMITTEE ON EDUCATION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Increases the age that a student may go to school for public education. (Flesch Readability Score: 63.4).

Increases the maximum age under which a student may receive a public education.

Declares an emergency, effective July 1, 2025.

A BILL FOR AN ACT

1
2 Relating to the maximum age for students in public education; amending ORS 327.026, 329.451,
3 339.115, 339.133, 339.321, 339.505, 343.261, 343.810, 419B.223 and 419C.223; and declaring an
4 emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 339.115 is amended to read:

7 339.115. (1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the
8 regular school program, the district school board shall admit free of charge to the schools of the
9 district all persons between the ages of 5 and 19 who reside within the school district. A person
10 whose 19th birthday occurs during the school year shall continue to be eligible for a free and ap-
11 propriate public education for the remainder of the school year. A district school board may admit
12 nonresident persons, determine who is not a resident of the district and fix rates of tuition for
13 nonresidents.

14 (2)(a) A district must admit an otherwise eligible person who has not yet attained [21] **22** years
15 of age [*prior to the beginning of the current school year*] if the person is:

16 (A) Receiving special education and has not yet received a high school diploma as described in
17 ORS 329.451; or

18 (B) Receiving special education and has received a modified diploma, an extended diploma or a
19 certificate of attendance as described in ORS 329.451.

20 (b) A district may admit an otherwise eligible person who is not receiving special education and
21 who has not yet attained 21 years of age prior to the beginning of the current school year if the
22 person is shown to be in need of additional education in order to receive a high school diploma or
23 a modified diploma.

24 (3) The obligation to make a free appropriate public education available to individuals with
25 disabilities [*18 through 21 years of age*] **who have not yet attained 22 years of age and** who are
26 incarcerated in an adult correctional facility applies only to those individuals who, in their last ed-
27 ucational placement prior to their incarceration in the adult correctional facility:

28 (a) Were identified as being a child with a disability as defined in ORS 343.035; or

29 (b) Had an individualized education program as described in ORS 343.151.

30 (4) For purposes of subsection (3) of this section, "adult correctional facility" means:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

- 1 (a) A local correctional facility as defined in ORS 169.005;
- 2 (b) A regional correctional facility as defined in ORS 169.620; or
- 3 (c) A Department of Corrections institution as defined in ORS 421.005.

4 (5) An otherwise eligible person under subsection (2)(a) of this section [*whose 21st birthday oc-*
 5 *curs during the school year*] shall continue to be eligible for a free appropriate public education [*for*
 6 *the remainder of the school year*] **until the individual attains 22 years of age, regardless of when**
 7 **during the school year the individual attains 22 years of age.**

8 (6) The person may apply to the board of directors of the school district of residence for ad-
 9 mission after the 19th birthday as provided in subsection (1) of this section. A person aggrieved by
 10 a decision of the local board may appeal to the State Board of Education. The decision of the state
 11 board is final and not subject to appeal.

12 (7) Notwithstanding ORS 339.133 (2)(a), a school district shall not exclude from admission a child
 13 located in the district solely because the child does not have a fixed place of residence or solely
 14 because the child is not under the supervision of a parent, guardian or person in a parental re-
 15 lationship.

16 (8) Notwithstanding subsection (1) of this section, a school district:

17 (a) May for the remaining period of an expulsion deny admission to the regular school to a
 18 resident student who is expelled from another school district; and

19 (b) Shall for at least one calendar year from the date of the expulsion and if the expulsion is for
 20 more than one calendar year, may for the remaining period of time deny admission to the regular
 21 school program to a student who is under expulsion from another school district for an offense that
 22 constitutes a violation of a school district policy adopted pursuant to ORS 339.250 (7).

23 (9) Notwithstanding the minimum age requirement prescribed by ORS 339.010 and 339.020, a
 24 district school board may admit free of charge a child whose needs for cognitive, social and physical
 25 development would best be met in the school program, as defined by policies of the district school
 26 board, to enter school even though the child has not attained the minimum age requirement but is
 27 a resident of the district.

28 **SECTION 2.** ORS 327.026, as amended by section 24, chapter 95, Oregon Laws 2024, is amended
 29 to read:

30 327.026. (1) The State Board of Education shall adopt by rule definitions and procedures to be
 31 applied to the computation of State School Fund allocations for students enrolled in the Youth
 32 Corrections Education Program and the Juvenile Detention Education Program, as those terms are
 33 defined in ORS 326.695. The computations shall be equivalent to students enrolled in common and
 34 union high school districts.

35 (2)(a) The Youth Corrections Education Program shall receive from the State School Fund for
 36 each school year a special State School Fund grant, consisting of a general purpose grant that is
 37 equal to the Youth Corrections Education Program extended ADMw multiplied by Funding Per-
 38 centage and further multiplied by Statewide Target per ADMw Grant. For the purpose of the cal-
 39 culation made under this paragraph:

40 (A) ADMw equals ADM multiplied by 2.0 multiplied by the additional per student weight, as
 41 calculated in ORS 327.013 (1)(c)(A)(i).

42 (B) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.

43 (b) Notwithstanding paragraph (a) of this subsection, the Youth Corrections Education Program
 44 may not receive moneys under this section from the State School Fund for any youth in the program
 45 who:

1 (A) Has received a high school diploma; or

2 (B) Is [21 years of age or older] **no longer eligible for public education as described in ORS**
 3 **339.115 (2).**

4 (3) The Juvenile Detention Education Program shall receive from the State School Fund for each
 5 school year a special State School Fund grant, consisting of a general purpose grant that is equal
 6 to the Juvenile Detention Education Program extended ADMw multiplied by Funding Percentage
 7 and further multiplied by Statewide Target per ADMw Grant. For the purpose of the calculation
 8 made under this subsection:

9 (a) ADMw equals ADM multiplied by 1.5.

10 (b) Extended ADMw equals ADMw or ADMw of the prior year, whichever is greater.

11 (4) Funds allocated to the Youth Corrections Education Program and the Juvenile Detention
 12 Education Program from the State School Fund shall be deposited in the Juvenile Justice Education
 13 Fund. The amount of funds to be allocated shall be adjusted in the year following the distribution
 14 to reflect the actual ADMw of students in the Youth Corrections Education Program and the Ju-
 15 venile Detention Education Program in the same manner as for the school districts under ORS
 16 327.101.

17 **SECTION 3.** ORS 329.451, as amended by section 1, chapter 4, Oregon Laws 2024, is amended
 18 to read:

19 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
 20 school diploma to a student who completes the requirements established by subsection (2) of this
 21 section.

22 (b) A school district or public charter school shall award a modified diploma to a student who
 23 satisfies the requirements established by subsection (7) of this section, an extended diploma to a
 24 student who satisfies the requirements established by subsection (8) of this section or a certificate
 25 of attendance to a student who satisfies the requirements established by subsection (9) of this sec-
 26 tion.

27 (c) A school district or public charter school may not deny a student who has the documented
 28 history described in subsection (7)(b) or (8)(b) of this section the opportunity to pursue a diploma
 29 with more stringent requirements than a modified diploma or an extended diploma.

30 (d) A school district or public charter school may award a modified diploma or extended diploma
 31 to a student only upon receiving consent as provided by subsection (6) of this section.

32 (2)(a) In order to receive a high school diploma from a school district or public charter school,
 33 a student must satisfy the requirements established by the State Board of Education and the school
 34 district or public charter school and, while in grades 9 through 12, must complete at least:

35 (A) Twenty-four total credits;

36 (B) Three credits of mathematics; and

37 (C) Four credits of language arts.

38 (b) If a school district or public charter school requires a student to complete more than 24 total
 39 credits, as provided by paragraph (a)(A) of this subsection, the school district or public charter
 40 school may only require the student to complete additional credits for:

41 (A) Subjects for which the State Board of Education has established academic content standards
 42 under ORS 329.045;

43 (B) Courses provided as part of a career and technical education program; or

44 (C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

45 (c)(A) A school district or public charter school that requires students to satisfy any require-

1 ments not specified by paragraph (a) of this subsection or by rule of the State Board of Education
 2 must grant to a student a waiver of the requirements established by the school district or public
 3 charter school if the student is or, at any time from grade 9 to 12, was:

4 (i) A foster child, as defined in ORS 30.297;

5 (ii) Homeless, as determined under rules adopted by the State Board of Education based on
 6 standards adopted by the Department of Human Services;

7 (iii) A runaway, as determined under rules adopted by the State Board of Education based on
 8 standards adopted by the Department of Human Services;

9 (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity
 10 for Military Children, as determined under rules adopted by the State Board of Education;

11 (v) A child of a migrant worker, as determined under rules adopted by the State Board of Edu-
 12 cation;

13 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
 14 Program; or

15 (vii) Enrolled in an approved recovery school under ORS 336.680.

16 (B)(i) For any student identified under subparagraph (A) of this paragraph, a school district or
 17 public charter school must accept any credits earned by the student in an educational program in
 18 this state and apply those credits toward requirements specified by paragraph (a) of this subsection
 19 or by rule of the State Board of Education if the credits satisfied those requirements in that edu-
 20 cational program in this state.

21 (ii) As used in this subparagraph, “educational program in this state” means an educational
 22 program that is:

23 (I) Provided by a school district, a public charter school, an approved recovery school, the
 24 Youth Corrections Education Program or the Juvenile Detention Education Program; or

25 (II) Funded as provided by ORS 343.243 for students in a long term care or treatment facility
 26 described in ORS 343.961 or a hospital identified in ORS 343.261.

27 (d)(A) The State Board of Education shall adopt rules by which a student who has completed
 28 an International Baccalaureate program may satisfy the credit requirements prescribed by para-
 29 graph (a) of this subsection and any or all of the requirements established by rule of the State Board
 30 of Education under paragraph (a) of this subsection. The rules:

31 (i) Must provide that the student has satisfied those requirements if the student has satisfied:

32 (I) All of the requirements for an International Baccalaureate Diploma Programme or an Inter-
 33 national Baccalaureate Career-related Programme; and

34 (II) Any other requirements prescribed by the board by rule for a student who has completed
 35 an International Baccalaureate program.

36 (ii) May provide that, only for the purpose of satisfying requirements as provided by this para-
 37 graph, a person who is not an external International Baccalaureate examiner may grade assessments
 38 or examinations for either program.

39 (B) Nothing in this paragraph prohibits a school district or public charter school from estab-
 40 lishing requirements that are in addition to the credit requirements prescribed by paragraph (a) of
 41 this subsection or any requirements established by rule under paragraph (a) of this subsection or
 42 subparagraph (A) of this paragraph.

43 (C) When establishing requirements under this paragraph, the board or a school district or
 44 public charter school shall attempt not to establish requirements that may discourage access to or
 45 participation in the International Baccalaureate program.

1 (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills
 2 as may be required under subsection (2) of this section must be allowed to use accommodations de-
 3 scribed in the student's individualized education program or the student's plan developed in ac-
 4 cordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As used in this
 5 subsection, the term "accommodations":

6 (a) Includes, but is not limited to:

7 (A) Additional time to demonstrate proficiency.

8 (B) The ability to demonstrate proficiency in an alternative location that is secure and
 9 proctored.

10 (C) The use of text-to-speech or speech-to-text technology or other assistive technology.

11 (b) Does not include modifications that lower the proficiency standards or that are used solely
 12 to earn modified credit.

13 (4) A student may satisfy the requirements of subsection (2) of this section in less than four
 14 years. If a student satisfies the requirements of subsection (2) of this section and a school district
 15 or public charter school has received consent as provided by subsection (6) of this section, the
 16 school district or public charter school shall award a high school diploma to the student.

17 (5) If a school district or public charter school has received consent as provided by subsection
 18 (6) of this section, the school district or public charter school may advance the student to the next
 19 grade level if the student has satisfied the requirements for the student's current grade level.

20 (6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this
 21 section, consent shall be provided by:

22 (A) The parent or guardian of the student, if the student:

23 (i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or

24 (ii) Has been determined not to have the ability to give informed consent regarding the student's
 25 education pursuant to a protective proceeding under ORS chapter 125; or

26 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
 27 419B.550 to 419B.558.

28 (b) For the purpose of awarding a modified diploma or extended diploma as provided by sub-
 29 section (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of
 30 this section, consent must be received during the school year for which the diploma will be awarded.

31 (7) A school district or public charter school shall award a modified diploma only to students
 32 who have demonstrated the inability to meet the full set of academic content standards for a high
 33 school diploma with reasonable modifications and accommodations. To be eligible for a modified di-
 34 ploma, a student must:

35 (a) Satisfy the requirements for a modified diploma established by the State Board of Education;
 36 and

37 (b) Have a documented history of an inability to maintain grade level achievement due to sig-
 38 nificant learning and instructional barriers or have a documented history of a medical condition that
 39 creates a barrier to achievement.

40 (8) A school district or public charter school shall award an extended diploma only to students
 41 who have demonstrated the inability to meet the full set of academic content standards for a high
 42 school diploma with reasonable modifications and accommodations. To be eligible for an extended
 43 diploma, a student must:

44 (a) While in grade nine through completion of high school, complete 12 credits, which may not
 45 include more than six credits earned in a self-contained special education classroom and shall in-

1 clude:

- 2 (A) Two credits of mathematics;
- 3 (B) Two credits of language arts;
- 4 (C) Two credits of science;
- 5 (D) Three credits of history, geography, economics or civics;
- 6 (E) One credit of health;
- 7 (F) One credit of physical education; and
- 8 (G) One credit of the arts or a world language; and

9 (b) Have a documented history of:

10 (A) An inability to maintain grade level achievement due to significant learning and instruc-
11 tional barriers;

12 (B) A medical condition that creates a barrier to achievement; or

13 (C) A change in the student's ability to participate in grade level activities as a result of a se-
14 rious illness or injury that occurred after grade eight.

15 (9) A school district or public charter school shall award a certificate of attendance to a student
16 who does not satisfy the requirements for a high school diploma, a modified diploma or an extended
17 diploma if the student has maintained regular full-time attendance for at least four years beginning
18 in grade nine and meets requirements established by the board of the school district or public
19 charter school.

20 (10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9)
21 of this section by the later of:

22 (a) Four years after starting grade nine; or

23 *[(b) The student reaching the age of 21 years, if the student is entitled to a public education until*
24 *the age of 21 years under state or federal law.]*

25 **(b) The student reaching the maximum age described in ORS 339.115 (2).**

26 (11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this sec-
27 tion in less than four years if consent is provided in the manner described in subsection (6)(a) of this
28 section.

29 (b) The consent provided under this subsection must be written and must clearly state that the
30 parent, guardian or student is waiving the time allowed under subsection (10) of this section. A
31 consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9)
32 of this section in less than three years.

33 (c) A copy of all consents provided under this subsection for students in a school district must
34 be forwarded to the district superintendent.

35 (d) Each school district must provide to the Superintendent of Public Instruction information
36 about the number of consents provided during a school year.

37 (12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma
38 or a certificate of attendance shall:

39 (A) Have the option of participating in a high school graduation ceremony with the class of the
40 student; and

41 (B) Have access to instructional hours, hours of transition services and hours of other services
42 that are designed to:

43 (i) Meet the unique needs of the student; and

44 (ii) When added together, provide a total number of hours of instruction and services to the
45 student that equals at least the total number of instructional hours that is required to be provided

1 to students who are attending a public high school.

2 (b) A school district may not unilaterally decrease the total number of hours of instruction and
3 services to which the student has access under paragraph (a)(B) of this subsection, regardless of the
4 age of the student.

5 (c) For purposes of paragraph (a)(B) of this subsection, transition services and other services
6 designed to meet the unique needs of the student may be provided to the student through an inter-
7 agency agreement entered into by the school district if the individualized education program devel-
8 oped for the student indicates that the services may be provided by another agency. A school
9 district that enters into an interagency agreement as allowed under this paragraph retains the re-
10 sponsibility for ensuring that the student has access to the number of service hours required to be
11 provided to the student under this subsection. An agency is not required to change any eligibility
12 criteria or enrollment standards prior to entering into an interagency agreement as provided by this
13 paragraph.

14 (13) A school district or public charter school shall:

15 (a) Ensure that all students have on-site access to the appropriate resources and courses to
16 achieve high school diplomas, modified diplomas and extended diplomas at each high school in the
17 school district or at the public charter school.

18 (b) Provide literacy instruction to all students until graduation.

19 (c)(A) Provide to the parents or guardians of a student who has the documented history de-
20 scribed in subsection (8)(b) of this section:

21 (i) Information about the availability of high school diplomas, modified diplomas and extended
22 diplomas and the requirements for the diplomas; and

23 (ii) A disclosure that a student awarded a certificate of attendance will not be counted as a high
24 school graduate in any reporting for the state or school district and that a student awarded a cer-
25 tificate of attendance may not indicate that the student received a high school diploma on applica-
26 tions for employment, military service, financial aid, admittance to an institution of higher education
27 or any other purpose.

28 (B) The information and disclosure required under subparagraph (A) of this paragraph must be
29 provided annually:

30 (i) Beginning in grade five; or

31 (ii) Beginning after a documented history described in subsection (8)(b) of this section has been
32 established.

33 (14) A school district or public charter school shall allow a student to participate in the high
34 school graduation ceremony with the class of the student and to wear:

35 (a) Native American items of cultural significance as provided by ORS 332.112; or

36 (b) A dress uniform issued to the student by a branch of the Armed Forces of the United States
37 if the student:

38 (A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or a
39 certificate of attendance under this section; and

40 (B) Has completed basic training for, and is an active member of, a branch of the Armed Forces
41 of the United States.

42 **SECTION 4.** ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, section 6,
43 chapter 81, Oregon Laws 2022, section 3, chapter 202, Oregon Laws 2023, section 9, chapter 513,
44 Oregon Laws 2023, and section 2, chapter 4, Oregon Laws 2024, is amended to read:

45 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high

1 school diploma to a student who completes the requirements established by subsection (2) of this
2 section.

3 (b) A school district or public charter school shall award a modified diploma to a student who
4 satisfies the requirements established by subsection (7) of this section, an extended diploma to a
5 student who satisfies the requirements established by subsection (8) of this section or a certificate
6 of attendance to a student who satisfies the requirements established by subsection (9) of this sec-
7 tion.

8 (c) A school district or public charter school may not deny a student who has the documented
9 history described in subsection (7)(b) or (8)(b) of this section the opportunity to pursue a diploma
10 with more stringent requirements than a modified diploma or an extended diploma.

11 (d) A school district or public charter school may award a modified diploma or extended diploma
12 to a student only upon receiving consent as provided by subsection (6) of this section.

13 (2)(a) In order to receive a high school diploma from a school district or public charter school,
14 a student must satisfy the requirements established by the State Board of Education and the school
15 district or public charter school and, while in grades 9 through 12, must complete at least 24 total
16 credits, which must include at least:

17 (A) Three credits of mathematics;

18 (B) Four credits of language arts; and

19 (C) One half-credit of civics.

20 (b) If a school district or public charter school requires a student to complete more than 24 total
21 credits, as provided by paragraph (a) of this subsection, the school district or public charter school
22 may only require the student to complete additional credits for:

23 (A) Subjects for which the State Board of Education has established academic content standards
24 under ORS 329.045;

25 (B) Courses provided as part of a career and technical education program; or

26 (C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

27 (c)(A) A school district or public charter school that requires students to satisfy any require-
28 ments not specified by paragraph (a) of this subsection or by rule of the State Board of Education
29 must grant to a student a waiver of the requirements established by the school district or public
30 charter school if the student is or, at any time from grade 9 to 12, was:

31 (i) A foster child, as defined in ORS 30.297;

32 (ii) Homeless, as determined under rules adopted by the State Board of Education based on
33 standards adopted by the Department of Human Services;

34 (iii) A runaway, as determined under rules adopted by the State Board of Education based on
35 standards adopted by the Department of Human Services;

36 (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity
37 for Military Children, as determined under rules adopted by the State Board of Education;

38 (v) A child of a migrant worker, as determined under rules adopted by the State Board of Edu-
39 cation;

40 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
41 Program; or

42 (vii) Enrolled in an approved recovery school under ORS 336.680.

43 (B)(i) For any student identified under subparagraph (A) of this paragraph, a school district or
44 public charter school must accept any credits earned by the student in an educational program in
45 this state and apply those credits toward requirements specified by paragraph (a) of this subsection

1 or by rule of the State Board of Education if the credits satisfied those requirements in that edu-
2 cational program in this state.

3 (ii) As used in this subparagraph, “educational program in this state” means an educational
4 program that is:

5 (I) Provided by a school district, a public charter school, an approved recovery school, the
6 Youth Corrections Education Program or the Juvenile Detention Education Program; or

7 (II) Funded as provided by ORS 343.243 for students in a long term care or treatment facility
8 described in ORS 343.961 or a hospital identified in ORS 343.261.

9 (d)(A) The State Board of Education shall adopt rules by which a student who has completed
10 an International Baccalaureate program may satisfy the credit requirements prescribed by para-
11 graph (a) of this subsection and any or all of the requirements established by rule of the State Board
12 of Education under paragraph (a) of this subsection. The rules:

13 (i) Must provide that the student has satisfied those requirements if the student has satisfied:

14 (I) All of the requirements for an International Baccalaureate Diploma Programme or an Inter-
15 national Baccalaureate Career-related Programme; and

16 (II) Any other requirements prescribed by the board by rule for a student who has completed
17 an International Baccalaureate program.

18 (ii) May provide that, only for the purpose of satisfying requirements as provided by this para-
19 graph, a person who is not an external International Baccalaureate examiner may grade assessments
20 or examinations for either program.

21 (B) Nothing in this paragraph prohibits a school district or public charter school from estab-
22 lishing requirements that are in addition to the credit requirements prescribed by paragraph (a) of
23 this subsection or any requirements established by rule under paragraph (a) of this subsection or
24 subparagraph (A) of this paragraph.

25 (C) When establishing requirements under this paragraph, the board or a school district or
26 public charter school shall attempt not to establish requirements that may discourage access to or
27 participation in the International Baccalaureate program.

28 (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills
29 as may be required under subsection (2) of this section must be allowed to use accommodations de-
30 scribed in the student’s individualized education program or the student’s plan developed in ac-
31 cordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As used in this
32 subsection, the term “accommodations”:

33 (a) Includes, but is not limited to:

34 (A) Additional time to demonstrate proficiency.

35 (B) The ability to demonstrate proficiency in an alternative location that is secure and
36 proctored.

37 (C) The use of text-to-speech or speech-to-text technology or other assistive technology.

38 (b) Does not include modifications that lower the proficiency standards or that are used solely
39 to earn modified credit.

40 (4) A student may satisfy the requirements of subsection (2) of this section in less than four
41 years. If a student satisfies the requirements of subsection (2) of this section and a school district
42 or public charter school has received consent as provided by subsection (6) of this section, the
43 school district or public charter school shall award a high school diploma to the student.

44 (5) If a school district or public charter school has received consent as provided by subsection
45 (6) of this section, the school district or public charter school may advance the student to the next

1 grade level if the student has satisfied the requirements for the student's current grade level.

2 (6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this
3 section, consent shall be provided by:

4 (A) The parent or guardian of the student, if the student:

5 (i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or

6 (ii) Has been determined not to have the ability to give informed consent regarding the student's
7 education pursuant to a protective proceeding under ORS chapter 125; or

8 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
9 419B.550 to 419B.558.

10 (b) For the purpose of awarding a modified diploma or extended diploma as provided by sub-
11 section (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of
12 this section, consent must be received during the school year for which the diploma will be awarded.

13 (7) A school district or public charter school shall award a modified diploma only to students
14 who have demonstrated the inability to meet the full set of academic content standards for a high
15 school diploma with reasonable modifications and accommodations. To be eligible for a modified di-
16 ploma, a student must:

17 (a) Satisfy the requirements for a modified diploma established by the State Board of Education;
18 and

19 (b) Have a documented history of an inability to maintain grade level achievement due to sig-
20 nificant learning and instructional barriers or have a documented history of a medical condition that
21 creates a barrier to achievement.

22 (8) A school district or public charter school shall award an extended diploma only to students
23 who have demonstrated the inability to meet the full set of academic content standards for a high
24 school diploma with reasonable modifications and accommodations. To be eligible for an extended
25 diploma, a student must:

26 (a) While in grade nine through completion of high school, complete 12 credits, which may not
27 include more than six credits earned in a self-contained special education classroom and shall in-
28 clude:

29 (A) Two credits of mathematics;

30 (B) Two credits of language arts;

31 (C) Two credits of science;

32 (D) Three credits of history, geography, economics or civics;

33 (E) One credit of health;

34 (F) One credit of physical education; and

35 (G) One credit of the arts or a world language; and

36 (b) Have a documented history of:

37 (A) An inability to maintain grade level achievement due to significant learning and instruc-
38 tional barriers;

39 (B) A medical condition that creates a barrier to achievement; or

40 (C) A change in the student's ability to participate in grade level activities as a result of a se-
41 rious illness or injury that occurred after grade eight.

42 (9) A school district or public charter school shall award a certificate of attendance to a student
43 who does not satisfy the requirements for a high school diploma, a modified diploma or an extended
44 diploma if the student has maintained regular full-time attendance for at least four years beginning
45 in grade nine and meets requirements established by the board of the school district or public

1 charter school.

2 (10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9)
3 of this section by the later of:

4 (a) Four years after starting grade nine; or

5 *[(b) The student reaching the age of 21 years, if the student is entitled to a public education until*
6 *the age of 21 years under state or federal law.]*

7 **(b) The student reaching the maximum age described in ORS 339.115 (2).**

8 (11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this sec-
9 tion in less than four years if consent is provided in the manner described in subsection (6)(a) of this
10 section.

11 (b) The consent provided under this subsection must be written and must clearly state that the
12 parent, guardian or student is waiving the time allowed under subsection (10) of this section. A
13 consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9)
14 of this section in less than three years.

15 (c) A copy of all consents provided under this subsection for students in a school district must
16 be forwarded to the district superintendent.

17 (d) Each school district must provide to the Superintendent of Public Instruction information
18 about the number of consents provided during a school year.

19 (12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma
20 or a certificate of attendance shall:

21 (A) Have the option of participating in a high school graduation ceremony with the class of the
22 student; and

23 (B) Have access to instructional hours, hours of transition services and hours of other services
24 that are designed to:

25 (i) Meet the unique needs of the student; and

26 (ii) When added together, provide a total number of hours of instruction and services to the
27 student that equals at least the total number of instructional hours that is required to be provided
28 to students who are attending a public high school.

29 (b) A school district may not unilaterally decrease the total number of hours of instruction and
30 services to which the student has access under paragraph (a)(B) of this subsection, regardless of the
31 age of the student.

32 (c) For purposes of paragraph (a)(B) of this subsection, transition services and other services
33 designed to meet the unique needs of the student may be provided to the student through an inter-
34 agency agreement entered into by the school district if the individualized education program devel-
35 oped for the student indicates that the services may be provided by another agency. A school
36 district that enters into an interagency agreement as allowed under this paragraph retains the re-
37 sponsibility for ensuring that the student has access to the number of service hours required to be
38 provided to the student under this subsection. An agency is not required to change any eligibility
39 criteria or enrollment standards prior to entering into an interagency agreement as provided by this
40 paragraph.

41 (13) A school district or public charter school shall:

42 (a) Ensure that all students have on-site access to the appropriate resources and courses to
43 achieve high school diplomas, modified diplomas and extended diplomas at each high school in the
44 school district or at the public charter school.

45 (b) Provide literacy instruction to all students until graduation.

1 (c)(A) Provide to the parents or guardians of a student who has the documented history de-
2 scribed in subsection (8)(b) of this section:

3 (i) Information about the availability of high school diplomas, modified diplomas and extended
4 diplomas and the requirements for the diplomas; and

5 (ii) A disclosure that a student awarded a certificate of attendance will not be counted as a high
6 school graduate in any reporting for the state or school district and that a student awarded a cer-
7 tificate of attendance may not indicate that the student received a high school diploma on applica-
8 tions for employment, military service, financial aid, admittance to an institution of higher education
9 or any other purpose.

10 (B) The information and disclosure required under subparagraph (A) of this paragraph must be
11 provided annually:

12 (i) Beginning in grade five; or

13 (ii) Beginning after a documented history described in subsection (8)(b) of this section has been
14 established.

15 (14) A school district or public charter school shall allow a student to participate in the high
16 school graduation ceremony with the class of the student and to wear:

17 (a) Native American items of cultural significance as provided by ORS 332.112; or

18 (b) A dress uniform issued to the student by a branch of the Armed Forces of the United States
19 if the student:

20 (A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or a
21 certificate of attendance under this section; and

22 (B) Has completed basic training for, and is an active member of, a branch of the Armed Forces
23 of the United States.

24 **SECTION 5.** ORS 329.451, as amended by section 1, chapter 175, Oregon Laws 2021, section 6,
25 chapter 81, Oregon Laws 2022, section 3, chapter 202, Oregon Laws 2023, section 9, chapter 513,
26 Oregon Laws 2023, section 1, chapter 564, Oregon Laws 2023, and section 3, chapter 4, Oregon Laws
27 2024, is amended to read:

28 329.451. (1)(a) At or before grade 12, a school district or public charter school shall award a high
29 school diploma to a student who completes the requirements established by subsection (2) of this
30 section.

31 (b) A school district or public charter school shall award a modified diploma to a student who
32 satisfies the requirements established by subsection (7) of this section, an extended diploma to a
33 student who satisfies the requirements established by subsection (8) of this section or a certificate
34 of attendance to a student who satisfies the requirements established by subsection (9) of this sec-
35 tion.

36 (c) A school district or public charter school may not deny a student who has the documented
37 history described in subsection (7)(b) or (8)(b) of this section the opportunity to pursue a diploma
38 with more stringent requirements than a modified diploma or an extended diploma.

39 (d) A school district or public charter school may award a modified diploma or extended diploma
40 to a student only upon receiving consent as provided by subsection (6) of this section.

41 (2)(a) In order to receive a high school diploma from a school district or public charter school,
42 a student must satisfy the requirements established by the State Board of Education and the school
43 district or public charter school and, while in grades 9 through 12, must complete at least 24 total
44 credits, which must include at least:

45 (A) Three credits of mathematics;

- 1 (B) Four credits of language arts;
- 2 (C) One half-credit of civics;
- 3 (D) One half-credit of higher education and career path skills; and
- 4 (E) One half-credit of personal financial education.

5 (b) If a school district or public charter school requires a student to complete more than 24 total
6 credits, as provided by paragraph (a) of this subsection, the school district or public charter school
7 may only require the student to complete additional credits for:

8 (A) Subjects for which the State Board of Education has established academic content standards
9 under ORS 329.045;

10 (B) Courses provided as part of a career and technical education program; or

11 (C) Courses that provide, or qualify to provide, credit at post-secondary institutions of education.

12 (c)(A) A school district or public charter school that requires students to satisfy any require-
13 ments not specified by paragraph (a) of this subsection or by rule of the State Board of Education
14 must grant to a student a waiver of the requirements established by the school district or public
15 charter school if the student is or, at any time from grade 9 to 12, was:

16 (i) A foster child, as defined in ORS 30.297;

17 (ii) Homeless, as determined under rules adopted by the State Board of Education based on
18 standards adopted by the Department of Human Services;

19 (iii) A runaway, as determined under rules adopted by the State Board of Education based on
20 standards adopted by the Department of Human Services;

21 (iv) A child in a military family covered by the Interstate Compact on Educational Opportunity
22 for Military Children, as determined under rules adopted by the State Board of Education;

23 (v) A child of a migrant worker, as determined under rules adopted by the State Board of Edu-
24 cation;

25 (vi) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education
26 Program; or

27 (vii) Enrolled in an approved recovery school under ORS 336.680.

28 (B)(i) For any student identified under subparagraph (A) of this paragraph, a school district or
29 public charter school must accept any credits earned by the student in an educational program in
30 this state and apply those credits toward requirements specified by paragraph (a) of this subsection
31 or by rule of the State Board of Education if the credits satisfied those requirements in that edu-
32 cational program in this state.

33 (ii) As used in this subparagraph, “educational program in this state” means an educational
34 program that is:

35 (I) Provided by a school district, a public charter school, an approved recovery school, the
36 Youth Corrections Education Program or the Juvenile Detention Education Program; or

37 (II) Funded as provided by ORS 343.243 for students in a long term care or treatment facility
38 described in ORS 343.961 or a hospital identified in ORS 343.261.

39 (d) The State Board of Education may adopt by rule requirements for courses, including teachers
40 of courses, related to higher education and career path skills and personal financial education that
41 allow the courses to satisfy multiple credit requirements for a high school diploma, including math-
42 ematics.

43 (e)(A) The State Board of Education shall adopt rules by which a student who has completed
44 an International Baccalaureate program may satisfy the credit requirements prescribed by para-
45 graph (a) of this subsection and any or all of the requirements established by rule of the State Board

1 of Education under paragraph (a) of this subsection. The rules:

2 (i) Must provide that the student has satisfied those requirements if the student has satisfied:

3 (I) All of the requirements for an International Baccalaureate Diploma Programme or an Inter-
4 national Baccalaureate Career-related Programme; and

5 (II) Any other requirements prescribed by the board by rule for a student who has completed
6 an International Baccalaureate program.

7 (ii) May provide that, only for the purpose of satisfying requirements as provided by this para-
8 graph, a person who is not an external International Baccalaureate examiner may grade assessments
9 or examinations for either program.

10 (B) Nothing in this paragraph prohibits a school district or public charter school from estab-
11 lishing requirements that are in addition to the credit requirements prescribed by paragraph (a) of
12 this subsection or any requirements established by rule under paragraph (a) of this subsection or
13 subparagraph (A) of this paragraph.

14 (C) When establishing requirements under this paragraph, the board or a school district or
15 public charter school shall attempt not to establish requirements that may discourage access to or
16 participation in the International Baccalaureate program.

17 (3) A student providing work samples to demonstrate proficiency in Essential Learning Skills
18 as may be required under subsection (2) of this section must be allowed to use accommodations de-
19 scribed in the student's individualized education program or the student's plan developed in ac-
20 cordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. As used in this
21 subsection, the term "accommodations":

22 (a) Includes, but is not limited to:

23 (A) Additional time to demonstrate proficiency.

24 (B) The ability to demonstrate proficiency in an alternative location that is secure and
25 proctored.

26 (C) The use of text-to-speech or speech-to-text technology or other assistive technology.

27 (b) Does not include modifications that lower the proficiency standards or that are used solely
28 to earn modified credit.

29 (4) A student may satisfy the requirements of subsection (2) of this section in less than four
30 years. If a student satisfies the requirements of subsection (2) of this section and a school district
31 or public charter school has received consent as provided by subsection (6) of this section, the
32 school district or public charter school shall award a high school diploma to the student.

33 (5) If a school district or public charter school has received consent as provided by subsection
34 (6) of this section, the school district or public charter school may advance the student to the next
35 grade level if the student has satisfied the requirements for the student's current grade level.

36 (6)(a) For the purpose of receiving consent as provided by subsections (1)(d), (4) and (5) of this
37 section, consent shall be provided by:

38 (A) The parent or guardian of the student, if the student:

39 (i) Is under 18 years of age and is not emancipated pursuant to ORS 419B.550 to 419B.558; or

40 (ii) Has been determined not to have the ability to give informed consent regarding the student's
41 education pursuant to a protective proceeding under ORS chapter 125; or

42 (B) The student, if the student is 18 years of age or older or is emancipated pursuant to ORS
43 419B.550 to 419B.558.

44 (b) For the purpose of awarding a modified diploma or extended diploma as provided by sub-
45 section (1)(d) of this section or of awarding a high school diploma as provided by subsection (4) of

1 this section, consent must be received during the school year for which the diploma will be awarded.

2 (7) A school district or public charter school shall award a modified diploma only to students
3 who have demonstrated the inability to meet the full set of academic content standards for a high
4 school diploma with reasonable modifications and accommodations. To be eligible for a modified di-
5 ploma, a student must:

6 (a) Satisfy the requirements for a modified diploma established by the State Board of Education;
7 and

8 (b) Have a documented history of an inability to maintain grade level achievement due to sig-
9 nificant learning and instructional barriers or have a documented history of a medical condition that
10 creates a barrier to achievement.

11 (8) A school district or public charter school shall award an extended diploma only to students
12 who have demonstrated the inability to meet the full set of academic content standards for a high
13 school diploma with reasonable modifications and accommodations. To be eligible for an extended
14 diploma, a student must:

15 (a) While in grade nine through completion of high school, complete 12 credits, which may not
16 include more than six credits earned in a self-contained special education classroom and shall in-
17 clude:

18 (A) Two credits of mathematics;

19 (B) Two credits of language arts;

20 (C) Two credits of science;

21 (D) Three credits of history, geography, economics or civics;

22 (E) One credit of health;

23 (F) One credit of physical education; and

24 (G) One credit of the arts or a world language; and

25 (b) Have a documented history of:

26 (A) An inability to maintain grade level achievement due to significant learning and instruc-
27 tional barriers;

28 (B) A medical condition that creates a barrier to achievement; or

29 (C) A change in the student's ability to participate in grade level activities as a result of a se-
30 rious illness or injury that occurred after grade eight.

31 (9) A school district or public charter school shall award a certificate of attendance to a student
32 who does not satisfy the requirements for a high school diploma, a modified diploma or an extended
33 diploma if the student has maintained regular full-time attendance for at least four years beginning
34 in grade nine and meets requirements established by the board of the school district or public
35 charter school.

36 (10) A student shall have the opportunity to satisfy the requirements of subsection (7), (8) or (9)
37 of this section by the later of:

38 (a) Four years after starting grade nine; or

39 *[(b) The student reaching the age of 21 years, if the student is entitled to a public education until
40 the age of 21 years under state or federal law.]*

41 **(b) The student reaching the maximum age described in ORS 339.115 (2).**

42 (11)(a) A student may satisfy the requirements described in subsection (7), (8) or (9) of this sec-
43 tion in less than four years if consent is provided in the manner described in subsection (6)(a) of this
44 section.

45 (b) The consent provided under this subsection must be written and must clearly state that the

1 parent, guardian or student is waiving the time allowed under subsection (10) of this section. A
2 consent may not be used to allow a student to satisfy the requirements of subsection (7), (8) or (9)
3 of this section in less than three years.

4 (c) A copy of all consents provided under this subsection for students in a school district must
5 be forwarded to the district superintendent.

6 (d) Each school district must provide to the Superintendent of Public Instruction information
7 about the number of consents provided during a school year.

8 (12)(a) A student who qualifies to receive or receives a modified diploma, an extended diploma
9 or a certificate of attendance shall:

10 (A) Have the option of participating in a high school graduation ceremony with the class of the
11 student; and

12 (B) Have access to instructional hours, hours of transition services and hours of other services
13 that are designed to:

14 (i) Meet the unique needs of the student; and

15 (ii) When added together, provide a total number of hours of instruction and services to the
16 student that equals at least the total number of instructional hours that is required to be provided
17 to students who are attending a public high school.

18 (b) A school district may not unilaterally decrease the total number of hours of instruction and
19 services to which the student has access under paragraph (a)(B) of this subsection, regardless of the
20 age of the student.

21 (c) For purposes of paragraph (a)(B) of this subsection, transition services and other services
22 designed to meet the unique needs of the student may be provided to the student through an inter-
23 agency agreement entered into by the school district if the individualized education program devel-
24 oped for the student indicates that the services may be provided by another agency. A school
25 district that enters into an interagency agreement as allowed under this paragraph retains the re-
26 sponsibility for ensuring that the student has access to the number of service hours required to be
27 provided to the student under this subsection. An agency is not required to change any eligibility
28 criteria or enrollment standards prior to entering into an interagency agreement as provided by this
29 paragraph.

30 (13) A school district or public charter school shall:

31 (a) Ensure that all students have on-site access to the appropriate resources and courses to
32 achieve high school diplomas, modified diplomas and extended diplomas at each high school in the
33 school district or at the public charter school.

34 (b) Provide literacy instruction to all students until graduation.

35 (c)(A) Provide to the parents or guardians of a student who has the documented history de-
36 scribed in subsection (8)(b) of this section:

37 (i) Information about the availability of high school diplomas, modified diplomas and extended
38 diplomas and the requirements for the diplomas; and

39 (ii) A disclosure that a student awarded a certificate of attendance will not be counted as a high
40 school graduate in any reporting for the state or school district and that a student awarded a cer-
41 tificate of attendance may not indicate that the student received a high school diploma on applica-
42 tions for employment, military service, financial aid, admittance to an institution of higher education
43 or any other purpose.

44 (B) The information and disclosure required under subparagraph (A) of this paragraph must be
45 provided annually:

1 (i) Beginning in grade five; or

2 (ii) Beginning after a documented history described in subsection (8)(b) of this section has been
3 established.

4 (14) A school district or public charter school shall allow a student to participate in the high
5 school graduation ceremony with the class of the student and to wear:

6 (a) Native American items of cultural significance as provided by ORS 332.112; or

7 (b) A dress uniform issued to the student by a branch of the Armed Forces of the United States
8 if the student:

9 (A) Qualifies to receive a high school diploma, a modified diploma, an extended diploma or a
10 certificate of attendance under this section; and

11 (B) Has completed basic training for, and is an active member of, a branch of the Armed Forces
12 of the United States.

13 **SECTION 6.** ORS 339.133 is amended to read:

14 339.133. (1) As used in this section:

15 (a)(A) “Foster care” means substitute care for children placed by the Department of Human
16 Services or a tribal child welfare agency away from their parents and for whom the department or
17 agency has placement and care responsibility, including placements in foster family homes, foster
18 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
19 preadoptive homes.

20 (B) “Foster care” does not mean care for children whose parent or guardian voluntarily placed
21 the child outside the child’s home with a public or private agency and for whom the child’s parent
22 or guardian retains legal guardianship.

23 (b)(A) “Person in parental relationship” means an adult who has physical custody of an indi-
24 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
25 vides the individual with food, clothing, shelter and incidental necessities and provides the
26 individual with necessary care, education and discipline.

27 (B) “Person in parental relationship” does not mean a person with a power of attorney or other
28 written delegation of parental responsibilities if the person does not have other evidence of a par-
29 ental relationship.

30 (c) “School district of origin” means the school district where an individual was a resident be-
31 fore:

32 (A) The individual was placed into foster care; or

33 (B) The foster care placement of the individual changed.

34 (d) “School of origin” means the school that an individual attended before:

35 (A) The individual was placed into foster care; or

36 (B) The foster care placement of the individual changed.

37 (2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages
38 of 4 and 18 shall be considered resident for school purposes in the school district in which their
39 parents, their guardians or persons in parental relationship to them reside.

40 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
41 of the school district for such reasons as attending college, military service, hospital confinement
42 or employment away from home shall be considered resident in the district in which their parents,
43 their guardians or persons in parental relationship to them reside.

44 (c) Individuals living temporarily in a school district for the primary purpose of attending a
45 district school may not be considered resident in the district in which they are living temporarily,

1 but shall be considered resident in the district in which they, their parents, their guardians or per-
 2 sons in parental relationship to them reside.

3 (3) Individuals considered legally emancipated from their parents shall be considered resident
 4 in the district in which they actually reside, irrespective of the residence of their parents, their
 5 guardians or persons in parental relationship.

6 (4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall
 7 be considered a resident of:

8 (A) The school district of origin; or

9 (B) The school district where the individual resides due to placement by the Department of
 10 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best
 11 interest of the individual to continue attending the school of origin or any other school in the school
 12 district of origin, based on consideration of all factors relating to the individual's best interests.

13 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
 14 to continue attending the school of origin, the individual shall be immediately enrolled in a new
 15 school, even if the individual is unable to produce records normally required for enrollment.

16 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
 17 of this subsection shall:

18 (A) Remain in the individual's school district of origin and, if applicable, the individual's school
 19 of origin for the duration of the individual's time in foster care **or until the individual attains the**
 20 **age described in ORS 339.115 (2);** and

21 (B) Be provided, free of charge, transportation between the individual's home and the
 22 individual's school district of origin or, if applicable, the individual's school of origin.

23 (d) The Department of Education, the Department of Human Services, tribal child welfare
 24 agencies and school districts shall collaborate to ensure that the provisions of this subsection are
 25 implemented.

26 (5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence is
 27 not within the district but who attends school in the district is considered a resident in the district
 28 in which the individual attends school if the individual receives written consent from both of the
 29 affected district school boards as provided by policies adopted by the boards.

30 (b) An individual whose legal residence is not within the district but who attends school in the
 31 district is considered a resident in the district in which the individual attends school if:

32 (A) The legal residence of the individual had been in the district in which the individual attends
 33 school before a boundary change was made to the district;

34 (B) The legal residence of the individual is no longer in the district in which the individual at-
 35 tends school because of the boundary change; and

36 (C) The individual has had the same legal residence and has continuously been enrolled in a
 37 school in the district since the boundary change.

38 (6)(a) Individuals who are foreign exchange students and who are residing in Oregon in a
 39 dormitory operated by a school district are considered to be residents of the school district in which
 40 the dormitory is located.

41 (b) For the purpose of this subsection:

42 (A) An individual may not be considered to be a foreign exchange student for more than one
 43 school year.

44 (B) An individual may be considered to be a resident of a school district as provided by this
 45 subsection only if, for the 2010-2011 school year, the school district had foreign exchange students

1 who would have been considered residents under the provisions of this subsection.

2 (C) The number of individuals who may be considered residents under the provisions of this
3 subsection may not increase relative to the number who would have been considered residents under
4 the provisions of this subsection for the 2010-2011 school year.

5 (c) As used in this subsection, "foreign exchange student" means an individual who attends
6 school in Oregon under a cultural exchange program and whose parent, guardian or person in par-
7 ental relationship resides in another country.

8 **SECTION 7.** ORS 339.321 is amended to read:

9 339.321. (1) No later than 15 days before the release or discharge of a person committed to the
10 legal custody of the Department of Corrections or the supervisory authority of a county following
11 waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370, the department or supervisory authority
12 or, in the case of a juvenile department that has agreed to be responsible for providing the notice
13 required under this section, the juvenile department shall notify the following of the release or dis-
14 charge if the person is under [2I] **22** years of age at the time of the release:

15 (a) Law enforcement agencies in the community in which the person is going to reside; and

16 (b) The school administrator of the school the person will attend or the school administrator of
17 the school district in which the person will reside.

18 (2) The department, supervisory authority or the juvenile department shall include in the no-
19 tification:

20 (a) The name and date of birth of the person;

21 (b) The date of release or discharge;

22 (c) The person's address;

23 (d) The names and addresses of the person's parents or guardians;

24 (e) The name and contact information of the attorney for the person, if known;

25 (f) The name and contact information of the individual to contact for further information about
26 the notice;

27 (g) Any conditions of release or terms of probation including, but not limited to, the type of
28 supervision under which the person is released and whether school attendance is a condition of re-
29 lease; and

30 (h) Any other conditions required by the court.

31 (3) The department, supervisory authority or anyone employed by or acting on behalf of the
32 department or supervisory authority who sends records under this section is not civilly or criminally
33 liable for failing to disclose the information under this section.

34 (4) As used in this section, "school administrator" has the meaning given that term in ORS
35 419A.305.

36 **SECTION 8.** ORS 339.505 is amended to read:

37 339.505. (1) For purposes of the student accounting system required by ORS 339.515, the follow-
38 ing definitions shall be used:

39 (a) "Graduate" means an individual who has:

40 (A) Not reached [2I] **22** years of age [*or whose 21st birthday occurs during the current school*
41 *year*];

42 (B) Met all state requirements and local requirements for attendance, competence and units of
43 credit for high school; and

44 (C) Received one of the following:

45 (i) A high school diploma issued by a school district or a public charter school.

- 1 (ii) A high school diploma issued by an authorized community college.
- 2 (iii) A modified diploma issued by a school district or a public charter school.
- 3 (iv) An extended diploma issued by a school district or a public charter school.
- 4 (b) "School dropout" means an individual who:
 - 5 (A) Has enrolled for the current school year, or was enrolled in the previous school year and
 - 6 did not attend during the current school year;
 - 7 (B) Is not a high school graduate;
 - 8 (C) Has not received a certificate for passing an approved high school equivalency test such as
 - 9 the General Educational Development (GED) test; and
 - 10 (D) Has withdrawn from school.
- 11 (c) "School dropout" does not include a student described by at least one of the following:
 - 12 (A) A student who has transferred to another educational system or institution that leads to
 - 13 graduation and the school district has received a written request for the transfer of the student's
 - 14 records or transcripts.
 - 15 (B) A student who is deceased.
 - 16 (C) A student who is participating in home instruction paid for by the district.
 - 17 (D) A student who is being taught by a private teacher, parent or legal guardian pursuant to
 - 18 ORS 339.030 (1)(d) or (e).
 - 19 (E) A student who is participating in a Department of Education approved public or private
 - 20 education program, an alternative education program as defined in ORS 336.615 or a hospital edu-
 - 21 cation program, or is residing in a Department of Human Services or an Oregon Health Authority
 - 22 facility.
 - 23 (F) A student who is temporarily residing in a shelter care program certified by the Oregon
 - 24 Youth Authority or in a juvenile detention facility.
 - 25 (G) A student who is enrolled in a foreign exchange program.
 - 26 (H) A student who is temporarily absent from school because of suspension, a family emergency,
 - 27 or severe health or medical problems that prohibit the student from attending school.
 - 28 (I) A student who has received a certificate for passing an approved high school equivalency test
 - 29 such as the General Educational Development (GED) test.
- 30 (2) The State Board of Education shall prescribe by rule when an unexplained absence becomes
- 31 withdrawal, when a student is considered enrolled in school, acceptable alternative education pro-
- 32 grams under ORS 336.615 to 336.665 and the standards for excused absences for purposes of ORS
- 33 339.065 for family emergencies and health and medical problems.

34 **SECTION 9.** ORS 343.261 is amended to read:

35 343.261. Under rules adopted by the State Board of Education:

- 36 (1) The Superintendent of Public Instruction, in cooperation with the hospital authorities, shall
- 37 be responsible for payment of the cost and oversight of the educational programs for children
- 38 through [21] 22 years of age in the following institutions:
 - 39 (a) State-operated hospitals;
 - 40 (b) The Oregon Health and Science University hospitals and clinics; and
 - 41 (c) Private hospitals not including psychiatric facilities which:
 - 42 (A) Have the capacity to admit patients from throughout the state;
 - 43 (B) Provide specialized intensive treatment for children with severe, low-incidence types of dis-
 - 44 abling conditions; and
 - 45 (C) Admit children who can expect to be hospitalized for extended periods of time or rehospi-

1 talized frequently.

2 (2) The superintendent shall be responsible for the payment of the cost of the education by
3 contract with the school district in which the state-operated hospital, the Oregon Health and Sci-
4 ence University hospital or clinic or the private hospital is located. The hospital shall be responsible
5 for the costs of transportation, care, treatment and medical expenses. The payments may be made
6 to the school district, or at the discretion of the school district, to the district providing the edu-
7 cation, as set forth in subsection (3) of this section, from the funds appropriated for the purpose.

8 (3) The school district in which the state-operated hospital, the Oregon Health and Science
9 University hospital or clinic or the private hospital is located shall be responsible for providing the
10 education directly or through an adjacent school district or through the education service district
11 in which the program is located or one contiguous thereto.

12 (4) The superintendent shall make the final determinations concerning the eligibility of hospitals
13 to receive state funding under this section.

14 **SECTION 10.** ORS 343.810 is amended to read:

15 343.810. As used in ORS 343.810 to 343.835, unless the context requires otherwise:

16 (1) "Migrant child" means a child between 3 and [21] **22** years of age who is in the custody of
17 migrant workers whether or not they are parents of the child.

18 (2) "Migrant worker" means an individual engaged in agricultural labor who does not regularly
19 reside in the county in which the individual is performing the agricultural labor.

20 (3) "School district" includes education service districts and state institutions.

21 **SECTION 11.** ORS 419B.223 is amended to read:

22 419B.223. A person that is appointed surrogate for a ward has the duty and authority to protect
23 the due process rights of the ward with respect to the provision of free appropriate public education.
24 A surrogate appointed by the court shall immediately apply to the attending school district for an
25 evaluation of the ward's eligibility for special education and shall participate in the development
26 of the ward's educational plan as provided in ORS chapter 343. The duties and responsibilities of the
27 surrogate shall continue until whichever of the following occurs first:

28 (1) The ward is [21] **22** years of age;

29 (2) The ward is determined to be no longer eligible for special education; or

30 (3) The juvenile court terminates wardship and determines that the child's parent or guardian
31 is both known and available to protect the special educational rights of the child.

32 **SECTION 12.** ORS 419C.223 is amended to read:

33 419C.223. A person that is appointed surrogate for an adjudicated youth has the duty and au-
34 thority to protect the due process rights of the adjudicated youth with respect to the provision of
35 free appropriate public education. A surrogate appointed by the court shall immediately apply to the
36 attending school district for an evaluation of the adjudicated youth's eligibility for special education
37 and shall participate in the development of the adjudicated youth's educational plan as provided in
38 ORS chapter 343. The duties and responsibilities of the surrogate shall continue until whichever of
39 the following occurs first:

40 (1) The adjudicated youth is [21] **22** years of age;

41 (2) The adjudicated youth is determined to be no longer eligible for special education; or

42 (3) The juvenile court terminates jurisdiction of the adjudicated youth and determines that the
43 adjudicated youth's parent or guardian is both known and available to protect the special educa-
44 tional rights of the adjudicated youth.

45 **SECTION 13.** This 2025 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
2 **July 1, 2025.**
3 _____